

AUG 31 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE ANGEL MIRAMONTES-
CIGARROA,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 08-74631

Agency No. A096-061-758

MEMORANDUM *

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted August 20, 2009**

Before: WALLACE, HAWKINS, and THOMAS, Circuit Judges.

Jose Angel Miramontes-Cigarroa, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying his

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

motion to reopen and reconsider the underlying denial of his application for cancellation of removal.

The BIA did not abuse its discretion in denying petitioner's motion to reopen because he failed to offer any new or previously unavailable evidence. *See* 8 U.S.C. § 1229a(c)(7)(B); 8 C.F.R. §§ 1003.2(a) & (c). The BIA did not abuse its discretion in denying petitioner's motion to reconsider because he failed to identify any error of law or fact in the BIA's prior decision. *See* 8 U.S.C. § 1229a(c)(6); 8 C.F.R. § 1003.2(b)(1). Finally, petitioner has failed to state a colorable equal protection claim. *See Masnauskas v. Gonzales*, 432 F.3d 1067, 1070-71 (9th Cir. 2005); *Hernandez-Mezquita v. Ashcroft*, 293 F.3d 594, 602-03 (9th Cir. 2002).

PETITION FOR REVIEW DENIED.